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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

corporate name was changed from Citizens Fidelity Bank, Indiana to PNC Bank Indiana, Inc. There was no change in bank ownership, but only a name change. Most importantly, the name change had no effect on Huber's bank letter. See Mr. Tierney's statement. Thus, Midamerica's claim that "Huber's already tenuous bank letter is further eroded" (Midamerica Motion, P. 4) is baseless.

Midamerica also seeks the specification of a Section 1.65 basic qualifications issue because Huber did not report this name change. Huber was under no obligation to report this information. In adopting the Section 1.65 reporting requirement, the Commission noted:

The rule is not intended to require the reporting of minor changes which would have no significance in the Commission's consideration of an application under the public interest standard. We recognize that some material matters may normally fluctuate on a day-by-day basis, such as the financial position of an applicant, the current business interests of its principals, etc. The rule does not contemplate the reporting of normal, foreseeable everyday changes unless they are substantial and might have a significant impact on the status of an application. The changes to be reported are those which are major or out of the ordinary - those which may make a difference from the standpoint of the public interest, and those which the Commission should be aware of in order to reach a realistic decision.

Reporting of Changed Circumstances, 3 RR 2d 1622, 1625 (1964).

Here, where there was only a name change, no change in the bank's ownership, and no effect on the bank letter, the name

change was previously the type of minor change that did not have to be reported.

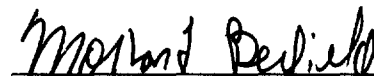
Even if Huber had a technical obligation to report the name change, no reporting issue could be added. "A §1.65 violation is disqualifying only if evidence indicates that the applicant intended to conceal the information from the Commission, or if the reporting violations are so numerous and serious as to indicate irresponsibility." David Ortiz Radio Co. v. FCC, 941 F.2d 1253, 1259 (D.C. Cir. 1991). In this case, Huber voluntarily disclosed in her opposition to the Brent and Midamerica motions that the name of the institution she was relying upon had changed from Citizens Fidelity Bank, Indiana to PNC Bank Indiana, Inc. A prima facie case of intent to deceive cannot be made when an applicant makes a voluntary disclosure. Furthermore, Midamerica does not allege any other Section 1.65 violation. Given that the name change was immaterial, Midamerica has wholly failed to make the required prima facie showing that a Section 1.65 issue is warranted.

Accordingly, Huber asks the Presiding Judge to dismiss Midamerica's "Second Motion of Midamerica to Enlarge Issues Against Martha J. Huber" insofar as it seeks a financial qualifications issue, and to deny the pleading insofar as it seeks a Section 1.65 issue. Since Midamerica has not justified the specification of new hearing issues, its discovery requests must be denied. In any event, Request 4 is overly broad because it seeks every individual document relating to Huber's relationship with the bank.

Respectfully submitted,

MARTHA J. HUBER

BY


Morton L. Berfield

PNC Bank, Indiana, Inc.
P.O. Box 1248
New Albany, IN 47151-1248

PNCBANK

June 3, 1993

**Ms. Martha J. Huber
1927 Plum Hill Way
Floyds Knobs, IN 47119**

Dear Judy:

In response to your request that we provide clarification of the change in name of this bank, the facts are as follows. On October 24, 1991, this bank was named Citizens Fidelity Bank, Indiana, an Indiana corporation wholly owned by Pittsburgh National Corporation, a bank holding company. In February of 1993, the corporate name of Citizens Fidelity Bank, Indiana was changed to PNC Bank, Indiana, Inc. There has been no change in bank ownership, but only a name change, and there has been no effect on the bank letter provided you.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Leo Tierney', followed by a large, stylized circular flourish.

**Leo Tierney
Senior Vice President
PNC Bank, Indiana, Inc.
(Formerly Citizens Fidelity Bank, Indiana)**

CERTIFICATE OF SERVICE

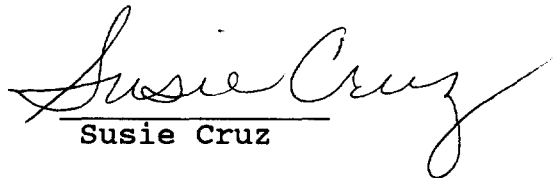
I, Susie Cruz, do hereby certify that on the 8th day of June 1993, a copy of the foregoing "Opposition to Second Motion of Midamerica to Enlarge Issues Against Martha J. Huber Petition to Enlarge Issues" was sent first-class mail, postage prepaid to the following:

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Susie Cruz

* Hand Delivered